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SUBJECT: ESTONIA - EIGHTH ANNUAL ANTI-TRAFFICKING REPORT

REF: A) STATE 2731

11. (U) The following is Embassy Tallinn's Anti-Trafficking Report for Estonia. Responses are keyed to the checklist (Ref A). Post's points of contact on Trafficking in Persons (TIP) are Political Officer Alamanda Gribbin (Email: GribbinAL@state.gov; tel: +372-668-8291) and Political Assistant Riina Tannia (Tel: +372-668-8233; Email: Tanniar@state.gov).

12. (SBU) SUMMARY: Trafficking is still an issue in Estonia, but the Government of Estonia (GOE) has made important progress in combating the problem, developing stronger coordination with local NGOs active on this issue, improving services to victims and expanding the penal code statutes relating to enslavement. During the reporting period the Estonian Government confirmed eight cases of trafficking. As a result, Estonia does not meet either the State Department's 'significance' threshold or the '100 confirmed cases' benchmark for inclusion in the trafficking report as a Tier Two country. We recommend that the Department move Estonia to Tier One. END SUMMARY.

Checklist and Overview of Trafficking in Estonia:

13. (U)A: Estonia is believed to be a country of origin, transit, and destination for trafficked men, women, and children. For the reporting period, the Ministry of Justice (MOJ) documented 2 confirmed cases involving Estonian trafficking victims abroad (both in the UK), while the Ministry of Social Affairs (MSA) reported that 6 trafficking victims - all prostitutes according to a local NGO - were placed in trafficking specific shelters in Estonia. (Estonian prostitutes with drug addictions were a particularly vulnerable trafficking risk group.) According to the MSA, it is still difficult to track the exact number of trafficking victims in Estonia. To improve the tracking mechanism, MSA is working with relevant NGO's on the development of a victim identification model. MSA hopes to have the model in place by next year.

14. (U)A, Cont: In addition to GOE agencies and NGOs, post also consulted with the resident Liaison Officer for Nordic Customs and Police Cooperation (covering Denmark, Finland, Iceland, Norway and Sweden). According to the Liaison

Officer, cataloguing the exact number of Estonian trafficking victims abroad is quite difficult. The Nordic Customs and Police agencies only report trafficking victims to the country of origin in certain cases: 1) when a case goes to court and the victim's identity cannot be identified; 2) when victims request services from the country of origin. According to the liaison, the Government of Sweden (GOS) is currently prosecuting 2 cases involving 5 alleged Estonian trafficking victims. However, this investigation is still pending and the GOS has not reported these alleged victims to the GOE.

¶5. (U)A, Cont: Based on discussions with Nordic Police, Nordic diplomats in Tallinn, US Embassy Stockholm and the Estonian MFA, we understand that there were no Estonian trafficking victims in Finland or Norway and that seven Estonian trafficking victims received services in Swedish shelters.

¶6. (U)A, Cont: As Estonia has no trafficking-specific statutes in its criminal code, the GOE prosecutes trafficking crimes under its 'enslavement' article. During the reporting period, there were three convictions based on 'enslavement.' All documented trafficking cases within Estonia's borders during the reporting period were for the purposes of commercial sex.

¶7. (U)A, Cont. In addition to the official statistics provided by the MOJ, Post has received data from the MSA, the Ministry of Foreign Affairs (MFA), the Ministry of Internal Affairs (MIA), local NGOs 'Eluliin' (City of Life) and Living for Tomorrow, the Nordic Police and Customs Cooperation Office in Tallinn, the Estonian Embassy in Helsinki, and the Helsinki office of the International Organization for Migration (IOM). The information assembled in this report is based on the most current and reliable data available at this time.

¶8. (U)B: According to Estonian law enforcement, most traffickers were generally small-scale operators, who often had ties to local organized crime groups. The most common lure traffickers use is the promise of legitimate employment abroad (e.g., hotels, restaurants, massage parlors, and strip clubs). In December 2007, Estonia formally joined the EU's Schengen Agreement for common visa and immigration borders on land and sea. Estonia is scheduled to join the Schengen area for air borders on March 30, 2008. This agreement allows for the free movement of people within Schengen countries (the UK, Ireland, and Denmark are not members), eliminating the need for obtaining false documentation to move victims between Estonia and the rest of the EU.

¶9. (U)C: During the reporting period, the following ministries and agencies were involved in anti-trafficking activities: MFA, MIA, MOJ, MSA, Ministry of Education (MOE), Ministry of Finance (MOF), Citizenship and Migration Board (CMB), the Border Guards, Police Board, the Central Criminal Police (CCP), INTERPOL and EUROPOL liaison offices, and the Prosecutor's Office. Recognizing that trafficking extends beyond the scope of any single agency, the GOE's National Action Plan designates the MOJ as the lead ministry to better coordinate the government's efforts. During the reporting period, the MOJ, MSA, MIA, and MFA met regularly at various working-levels.

¶10. (U)D: Post found no evidence of trafficking-related corruption within the GOE. We are also not aware of any instances of bribe-taking related to trafficking among GOE, law enforcement, or border guard officials. With respect to public corruption, there is a "Select Committee on the Application of the Anti-Corruption Act" in the Riigikogu (the Estonian Parliament) which promoted full implementation of anti-corruption legislation.

¶11. (U)D, Cont: Previously, inadequate funding limited the GOE's ability to combat trafficking. However, the GOE recognized this deficiency and has steadily increased the

amount of funding committed to anti-trafficking measures. In 2006, the anti-trafficking budget was approximately 14,000 USD. In 2007, the GOE spent approximately 181,000 USD on prevention and victim assistance.

¶12. (U)E: In 2006, the GOE founded the National Anti-Trafficking Network. The tasks of the network are recorded in the National Action Plan for the years 2006-2009. The Network is represented by the relevant Ministries, police, border guards, prosecutors and NGOs dealing directly with the trafficking issue. Representatives meet throughout the year and correspond frequently via e-mail. Each year, the Network drafts an assessment of the previous year's activities. GOE ministries are currently circulating the 2007 assessment; it will likely be published in late March.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶13. (U)A: Estonia does not have any trafficking-specific laws in its criminal code. The GOE contends that its prohibition under Article 133, the prohibition of enslavement, is an adequate mechanism for addressing trafficking cases. In March 2007, the GOE expanded article 133 in accordance with a July 19, 2002 framework decision of the EU Council. Article 133 now also includes taking advantage of a person's helpless situation as part of the definition of enslavement. Also in 2007, Article 134 was expanded to include forcing a person to work or perform duties against their will for the benefit of another person.

¶14. (U)A, Cont: Over the last few years, the MOJ has expanded the number of articles it can use to prosecute trafficking and related crimes. The following is a list of laws that the GOE can use in addition to Article 133 when prosecuting traffickers:

- Article 134: Abduction;
- Article 136: Unlawful deprivation of liberty;
- Article 138: Illegal conduct of human research;
- Article 139: Illegal removal of organs or tissue;
- Article 140: Inducing persons to donate organs or tissue;
- Article 143: Compelling persons to engage in sexual intercourse;
- Article 143/1: Compelling persons to engage in satisfaction of sexual desire;
- Article 172: Child kidnapping;
- Article 173: Sale or purchase of children;
- Article 175: Disposing minors to engage in prostitution;
- Article 176: Aiding prostitution involving minors;
- Article 177: Use of minors in manufacture of pornographic works;
- Article 178: Manufacture of works involving child pornography or making child pornography available;
- Article 259: Illegal transportation of aliens across state border or temporary border line of Republic of Estonia;
- Article 268: Provision of opportunity to engage in unlawful activities, or pimping;

During the reporting period, the MOJ recorded 136 individual criminal offenses related to these statutes. At the same time, as a single suspect can be charged with multiple violations, the actual number of court judgments related to the above statutes was 60 and the number of convicted persons was 35. The MOJ noted that in three instances the alleged violations specifically related to trafficking (see paragraph 15B and 19F). The remaining violations were related to illegal commercial sex activities (e.g., pimping, exploitation of minors, kidnapping, etc.).

¶15. (U)B: The penalty for 'enslavement' for the purposes of sexual exploitation is up to 5 years imprisonment. If there are two or more victims or if the victims are minors the penalty is up to 12 years of imprisonment. During the

reporting period 3 persons were convicted of 'enslavement' under Article 133 of the Penal Code. Two of the suspects were sentenced to 3 years and 1 year imprisonment. The third suspect was sentenced to 1 year in prison and assessed a fine of 25,000 USD.

¶16. (U)C: The prescribed penalty for labor trafficking is one to five years imprisonment. In severe cases, the penalty is three to twelve years imprisonment. There were no cases of labor trafficking during the reported period.

¶17. (U)D: The penalties for trafficking under enslavement, abduction, rape, sexual assault, and sexual abuse of minors are five years imprisonment in the case of adult victims, and 12 years for child victims under age 18. Prosecutors may also add violations of additional statutes to increase the penalty (i.e., rape, abuse of a minor, etc.).

¶18. (U)E: Prostitution and the solicitation of commercial sex are not illegal in Estonia. Pimping, however, is illegal. The activities of brothel owners/operators, pimps, and enforcers are criminalized and the GOE regularly enforces the laws.

¶19. (U)F: During the reporting period, 3 persons were convicted of trafficking related crimes under the expanded Article 133 relating to enslavement. (See Paragraph 15 for information concerning their sentencing.)

¶20. (U)F, Cont: Estonian labor laws forbid inappropriately high or illegal fees or commissions by labor recruiters, confiscating of workers' passports/travel documents and the destruction, damaging, theft or concealment of these documents. Violators can be prosecuted under paragraphs 209 and 346 of the Estonian Penal Code dealing with fraud and theft, and receive punishment in the form of a minimum fine of 5,000 USD or 5 to 15 years imprisonment. The switching of contracts or terms of employment without a worker's consent is forbidden by paragraph 12 of the Labor Market Services and Benefits Act. The Labour Inspectorate, a government agency operating under the umbrella of the MSA, enforces these provisions. There were no prosecutions for these crimes during the reporting period.

¶21. (U)G: Together with NGOs, the MSA conducted 15 training seminars for GOE officials and authorities on how to recognize, investigate and prosecute instances of trafficking. The total cost of these seminars was approximately 15,276 USD.

¶22. (U)G, Cont: In addition to MSA initiated training, several NGOs conducted 9 anti-trafficking trainings all over Estonia targeting youth counselors, women's organizations, police, border guards, social workers, educators, representatives of local governments and school medical personnel. In May 2007, the International Organization for Migration (IOM) held a seminar in Tallinn on trafficking specific investigation and prosecution techniques. In September 2007, MFA representatives took part in a UNESCO anti-trafficking seminar in Tallinn. In December 2007, representatives of the MFA, the Estonian Embassy in Riga and the Estonian Consulate in St. Petersburg participated in a training for consular officers organized by the Council of Baltic Sea States anti-trafficking workgroup.

¶23. (U)G, Cont: During the reporting period, the USG was also active in efforts to bring the Baltic anti-trafficking community together. In June 2007 Embassy Tallinn hosted members of the National Anti-Trafficking network for a roundtable discussion on strategies to assist Estonians searching for employment abroad. Representatives from the MSA, MOJ, the Labor Office, the Finnish Trade Union in Estonia and the NGOs: Eluliin, the Vega Center, the Estonian Women's Studies and Resource Center, the Lifelong Learning Foundation, Living for Tomorrow and EURES attended this roundtable. IOM Helsinki also used USG funds to conduct a five-day anti-trafficking seminar in Kiev for

members of the law enforcement community, including seven Estonian law enforcement officials.

¶24. (U)HQThe Estonian Central Criminal Police exchanges information on a regular basis with counterparts from Sweden, Denmark, Norway, Germany, Finland, Great Britain and Belgium. They received 15 requests for assistance from abroad during 2007. The Nordic Customs and Police Cooperation Liaison in Tallinn reported that cooperation with Estonian counterparts takes many forms, from assistance in suspect surveillance and interrogation to providing victim and perpetrator identities. The Liaison characterized Estonia's cooperation in trafficking related matters as good.

¶25. (U)I: GOE policy is to extradite persons, including its own nationals, who are charged with trafficking in other countries. However, no extraditions took place during the reporting period.

¶26. (U)J: There was no evidence of government involvement in or tolerance of trafficking at either the local or institutional level.

¶27. (U)K: See paragraph 26 J.

¶28. (U)L: There was no evidence of Estonian peacekeepers' engagement in trafficking.

¶29. (U)M: Estonia does not have an identified child sex tourism problem (either as a source or a destination country).

PROTECTION AND ASSISTANCE TO VICTIMS:

¶30. (U)A: In 2006, the GOE incorporated EU Council Directive 2004/81/EC into national law to make it possible for trafficking victims to obtain a temporary residency permit for the duration of criminal investigations and legal proceedings. The law was enacted in February 2007. No trafficking victim applied for a residency permit during the reporting period.

¶31. (U)B: In 2007, three shelters designated specifically for trafficking victims began operating in Estonia. The shelters, available to foreign and domestic victims alike, were established as part of the Nordic-Baltic pilot project and offered psychological, career and legal counseling to victims. According to the MSA, during the reporting period 6 victims received services in these facilities. Funding for the shelters was provided by the Ministry of Finance, European Social Fund and project funds from the NGO EQUAL. These shelters also received funds under an MOI-directed program to support regional investments with taxes on gambling. The GOE also supported a children's hotline dedicated to the early recognition of child victims and providing assistance. The GOE allocated approximately 75 percent of its overall 181,000 USD anti-trafficking budget to victims' assistance programs.

¶32. (U)C: The GOE contributed 4,000 USD to IOM for a brochure on assistance to trafficking victims. This brochure is a practical guide for social workers and others who assist victims. The NGO Living for Tomorrow received 2,000 USD from the Estonian Gambling Tax Council. The funds supported 24 trafficking awareness training sessions for secondary and vocational school students and 5 training sessions for adults. The MSA provided the NGO Living for Tomorrow 18,000 USD to fund its anti-trafficking Hotline service.

¶33. (U)D: See paragraph 34 E.

¶34. (U)E: There is no government mechanism for screening for trafficking victims. This work is done on the NGO level. The NGO Atoll's regular field survey of area prostitutes includes efforts to identify trafficking victims.

¶35. (U)F. Post found no evidence that trafficking victims were unlawfully detained, jailed, and/or deported. There were also no incidents of trafficking victims or witnesses having their rights to seek damages impeded.

¶36. (U)G. Under Estonia's Victim Assistance Act (VAA), the MSA was responsible for overseeing victim assistance services for trafficking victims. The MSA worked closely with local and county governments and NGOs in providing victim's assistance, as well as training and supervising volunteers.

¶37. (U)G, Cont: Under Estonia's Crime Victim's Compensation Act (CVCA), trafficking victims are eligible for financial assistance and compensation of up to 70 percent of the damages caused by the crime. During the reporting period, none of the CVCA recipients were identified as trafficking victims.

¶38. (U)H: During the reporting period, a Baltic Sea States region-wide witness protection agreement (signed by Estonia, Latvia and Lithuania) was in force. However, no Estonian trafficking victims elected to participate in the Baltic program.

¶39. (U)H, Cont: The MFA took steps to ensure that, upon repatriation, trafficking victims were made aware of assistance services available from GOE agencies and NGOs. Minor victims are referred to the Tartu Child Support Center for assistance.

¶40. (U)H, Cont: The Estonian Embassy in London assisted in repatriating a female trafficking victim back to Estonia from the UK. Upon her return to Estonia, the woman was placed in a shelter for trafficking victims.

¶41. (U)I: The Ministry of Social Affairs holds an annual training session for consular officers on recognizing and assisting trafficking victims. The training material is

available electronically as well. Estonian Consulates and Embassies have developed good relations with NGOs and international organizations that serve trafficking victims. Additional training programs are detailed in paragraphs 21, 22 and 23 G.

¶42. (U)J: The Government of Estonia provides medical aid, shelter and financial help to its nationals who are repatriated as victims of trafficking.

¶43. (U)K: The following NGOs and international organizations work with trafficking victims:

- Living for Tomorrow (prevention and outreach; trafficking prevention hotline);
- HIV/AIDS Prevention Center (prevention and outreach);
- International Organization for Adolescents (prevention, outreach, and victim assistance);
- Human Rights Legal Information Center (prevention and outreach);
- Estonian Women's Studies and Resource Center (ENUT);
- Tartu Child Support Center (prevention and support);
- Equal (outreach and assistance to prostitutes);
- Atoll (outreach and assistance to prostitutes);
- International Organization for Migration (outreach, prevention, assistance to victims);
- Eluliin
- The Vega Center

In general, (as cited in paragraphs 31 B and 32 C) during the reporting period, the GOE allotted 181,000 USD to trafficking related training, campaigns and other activities. Approximately 75 percent of this budget was spent on victim services, including hotlines, and the remaining 25 percent was spent on prevention. (See paragraph 31 B for a description of available shelter services.)

PREVENTION:

¶44. (U)A: The government of Estonia has acknowledged that trafficking is a problem.

¶45. (U)B: The MFA has been active in disseminating informational materials on trafficking at the Ministry itself, on their webpage, at Estonian Embassies in Berlin and in Paris and at the Tallinn airport and harbors. The MFA also disseminated trafficking related materials at TourEst 2007, the annual tourism fair, which was attended by approximately 23,465 people over three days. The MFA also operated a 24-hour hotline for Estonians traveling abroad. Estonian Embassies offered voluntary registration for Estonian citizens traveling abroad.

¶46. (U)C: The National Anti-Trafficking Network comprises not only representatives of the relevant ministries, but also NGOs. The representatives of the ministries have stressed that NGO participation in the network is crucial, as they have the best knowledge of the problem and have the closest contacts with trafficking victims.

¶47. (U)D: The GOE adequately monitored its borders for trafficking. The GOE monitored immigration and emigration patterns for evidence of trafficking unilaterally and in concert with regional border guards and law-enforcement partners. One strategy of the 2007 National Action Plan was to pay closer attention to minors crossing the EU border, including questioning minors or persons accompanying minors, contacting the parents of the child and requesting additional documents. During the reporting period, the Ministry of Social Affairs and the NGO ENUT conducted training sessions for border guards on identifying victims and put together a handbook covering this issue.

¶48. (U)E: In 2006, the GOE founded a national Anti-Trafficking working group. This group, represented by MFA, MIA, MOJ, MSA, Ministry of Education (ME), Ministry of Finance (MOF), Citizenship and Migration Board (CMB), the Border Guards, Police Board, Central Criminal Police (CCP), INTERPOL and EUROPOL liaison offices and the Prosecutor's Office, drafted a National Action Plan to combat trafficking for the period 2006-2009. The MOJ is the lead agency and is responsible for the implementation of the plan and inter-agency coordination. There is also a public corruption taskforce under the authority of the MOJ.

¶49. (U)F: Estonia has a National Action Plan on trafficking for the years 2006-2009. Each year, a thorough review is conducted of the previous years' goals and areas for improvement are identified. The 2007 goals are currently under review at the inter-ministerial level.

¶50. (U)G: The GOE has undertaken several initiatives to reduce sex tourism in Estonia. In 2007, the MSA, utilizing EU Social Funds, offered training courses designed to help those at risk for prostitution develop job skills. The GOE also conducted a media campaign on the dangers of prostitution and conducted prostitution prevention programs in schools. Police also continued their efforts to crack down on area brothels. In the beginning of 2006, there were 43 known brothels operating in Estonia. According to the Nordic Police Liaison, currently only 2 or 3 remain in operation. The Liaison cited an increase in the complexity of ownership and operation of the brothels as reasons why the police have not yet been successful in closing the remaining locations down.

¶51. (U)H: There were no known instances of international child sex tourism by Estonian nationals. However, the Estonian MSA and various law enforcement agencies held regular trainings for child protection workers and police officers on how to recognize child trafficking victims. The GOE also took part in the Council of Baltic Sea States Working Group for Cooperation on Children at Risk. (Estonia

is the Chair country for 2007-2008). 55 specialists from the Baltic Sea States took part in the training, resulting in the establishment of an international specialist network.

152. (U)I: Estonia did not meet this criteria.

PHILLIPS